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March 8, 2024

By ECF
Honorable Denise Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

denied.
Denise Cote
3/12/24

Re: United States v. Gina Mestre
23 Cr. 418 (DLC)

Dear Judge Cote,

On December 7, 2023, Ms. Mestre appeared before your Honor and, pursuant to a plea agreement with the Government, pled guilty to Count 4 of the above-referenced indictment. Count 4 charged Ms. Mestre with Accessory After the Fact in violation of 18 U.S.C. §3.¹ Sentencing is scheduled for March 21, 2024. For the reasons which follow however, I write now to respectfully request that sentencing be adjourned to a day during the week of May 6, 2024.²

At the time of the offense, Ms. Mestre was a New York City police officer. Thus, for §3553(a) purposes, the defense has subpoenaed Ms. Mestre's NYPD personnel file.³ Although the subpoena itself (attached) has a return date of March 14, 2024, it is uncertain whether the NYPD legal department will comply by that date. Obviously, even after the defense does receive the materials themselves, we will need additional time to review them.

¹ The parties, and Probation, all agree that the applicable USSG range of imprisonment in this case is 70 to 87 months.

² Pursuant to a telephone call with chambers, the parties understand that May 10, 2024, may be an available date for the Court.

³ The Government has provided the defense with what appears to be portions of Mestre's NYPD personnel history. However, in the interests of caution and zealous defense, the defense would prefer to subpoena the actual file itself, which may contain additional information that was not turned over to the Government.

Additionally, Ms. Mestre is currently enrolled in the nursing program at SUNY Westchester Community College. The Spring '24 semester ends on May 6, 2024. (See attached). For this reason as well, the defense respectfully seeks to adjourn the sentence to the week of May 6, 2024 (except for May 6th itself).

I have spoken to AUSA Dominic A. Gentile who consents to this request.

Thank you.

Respectfully,

Matthew J. Kluger

cc: AUSA Dominic Gentile
AUSA James Ligtenberg